

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1 and 10 have again been amended to recite that the screw segments have the same sectional shape as the rotor segment, except for the crest portions, but now clarify that the rotor segment is comprised of at least one kneading rotor.

Claims 1-3, 5, 6, and 8-11 were finally rejected under 35 U.S.C. § 102 as being anticipated by the U.S. patent to Inoue et al '593, while Claim 7 was rejected as being obvious over the same reference. In response, Applicant had submitted the expert declaration of Kimio Inoue, one of the inventors of the Inoue et al '593 reference, which explained that those skilled in the art would not consider the kneading rotor segments 1b as a "screw segment." Applicants argued that, absent the ability to identify the kneader segment 1b of Inoue et al as both a kneading rotor and a screw segment, there is no basis for alleging that Inoue et al discloses a screw segment having the same sectional shape as a kneading rotor (except at the tips).

The Examiner nonetheless maintained the final rejection (see Advisory Action) because the Inoue declaration "does not explain in what way ... a 'rotor segment' is structurally exclusive of a 'screw segment.'"

Initially, Applicant wish to point out that the Inoue declaration need not explain in what way a rotor segment is "structurally exclusive of" a screw segment; it need only provide evidence that those skilled in the art would not identify an element designated in the prior art as rotor segment to be a screw segment. The claims are directed to those skilled in the art and

recite that the screw segment, except for crest portions of the screw blades thereof, has the same sectional shape as said at least one rotor segment, as viewed in a section transverse to the axial direction, except for the crest portions of said kneading blades. In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the Examiner is obligated to show that every element of the claims is found in Inoue et al '593. The shape of the screw segment 1a in Inoue et al '593, on the other hand, is different from that of the rotor segment 1b. The Examiner's reliance on the rotor segment 1b to be both a rotor segment and a screw segment can only be supported if those skilled in the art would have identified element 1b to be both a rotor segment and a screw segment. Accordingly, it is sufficient for the declaration to establish that those skilled in the art would not identify the element designated as a rotor segment in Inoue et al '593 to be a screw segment.

In any case, Applicant is now submitting a second Inoue declaration which additionally sets forth a structural distinction whereby a rotor segment comprised of at least one kneading rotor is structurally exclusive of a screw segment. Specifically, paragraph 10 of the second Inoue declaration points out:

That while a rotor segment comprised of at least one kneading rotor may axially advance the plastic material during the kneading thereof, it has a special configuration which is distinguishable from a screw segment. For example, a screw segment will have a small helix angle, whereas a rotor segment comprised of at least one kneading rotor will have a small twist angle.

Thus, the second Inoue declaration provides evidence that those skilled in the art would not consider any of the rotor segments 1b of Inoue et al '593, having kneading blades 7, to be a "screw segment," and also provides evidence that a rotor segment comprised of at

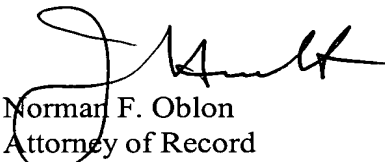
Appl. No. 09/767,885
Reply to Office Action of May 15, 2003

least one kneading rotor is "structurally exclusive of" a screw segment, i.e., a screw segment will have a small helix angle, whereas a rotor segment comprised of at least one kneading rotor will have a small twist angle. Since the claims now clarify that the screw segment, except for crest portions of the screw blades thereof, has the same sectional shape as "said at least one rotor segment comprising at least one kneading rotor," the claims clearly distinguish over Inoue et al '593.

Applicant therefore believes that the present application is in a condition for allowance, and respectfully solicits an early Notice of Allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618
Robert T. Pous
Attorney of Record
Registration No. 29,099

James D. Hamilton
Registration No. 28,421



22850

(703) 413-3000
GJM:RTP:tdm
I:\atty\RTP\202182US-RCEam.wpd